

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

A.H., MINOR, BY HER NEXT  
FRIEND AND MOTHER,  
TRACEY HANDLING,

Plaintiff

v.

MINERSVILLE AREA SCHOOL  
DISTRICT,

Defendant

: DOCKET NO. 3:17-cv-00391-RDM-KM

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: CIVIL ACTION

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: JURY TRIAL DEMANDED

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FILED  
SCRANTON

FEB 05 2020

PER

RF  
DEPUTY CLERK

CONSENT DECREE

WHEREAS, the Minersville Area School District ("the District") has permitted A.H., a minor child, who at all relevant times has attended school in the District, to use the facilities that correspond to her gender identity since May 2016; and

WHEREAS, on March 2, 2017, A.H., a minor, by her next friend and mother, Tracey Handling, filed a Complaint for Declaratory, Injunctive, and Other Relief against the District in the above-captioned matter (ECF 1);

WHEREAS, the parties to this litigation desire to settle the issue raised by Plaintiff's Complaint concerning sex specific facility usage without the necessity of further litigation;

WHEREAS, the parties have reached a settlement agreement and consent to entry of the following final and binding Consent Decree as dispositive of the issue of sex specific facility usage;

WHEREAS, the parties intend this Consent Decree to benefit all students, including transgender students, within the District and to be binding on the District unless and until modified by the Court on motion with proper cause shown.

NOW, therefore, on this 5<sup>th</sup> day of February, 2020, upon agreement of the parties, it is hereby ORDERED and DECREED as follows:

1. The Minersville Area School District, and all of its present directors, officers, board members, administrators, agents, and employees, agree they shall not promulgate, implement, maintain, or enforce any policy, practice, or custom of the District that denies transgender students the access and use of facilities that match a student's consistently and uniformly asserted gender identity, or to take any formal or informal disciplinary action against transgender students for using the facilities that match a student's consistently and uniformly asserted gender identity.

2. The Minersville Area School District, and all of its present directors, officers, board members, administrators, agents, and employees, agree they shall not promulgate, implement, maintain, or enforce any policy, practice, or custom of the District that denies transgender students the equal protection of law pertaining to discrimination on the basis of sex/transgender status or gender dysphoria.

3. The Minersville Area School District, and all of its present directors, officers, board members, administrators, agents, and employees, agree they shall not take any action, including but not limited to making any public statement or pronouncement that calls undue attention to, or which is in any way derogatory of, any student or group of students who present as a sex other than the sex assigned at birth.

4. The Minersville Area School District, and all of its present directors, officers, board members, administrators, agents, and employees, agree they shall not take any action against any student, parent, guardian or other interested party in retaliation for asserting the rights of any student under any statute, regulation, ordinance or rule protecting the rights of students to be free from discrimination on the basis of sex/transgender status or gender dysphoria.

5. The Minersville Area School District, and all of its present directors, officers, board members, administrators, agents, and employees, agree they shall not take any action against A.H., her parents, or siblings by subjecting them to disparate treatment in the application of the rules in place at the District.

6. This Consent Decree shall remain binding on the District unless and until modified by the Court on motion with proper cause shown.

**Hahalis & Kounoupis, PC**

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BY THE COURT:

Karoline Mehalchick

Hon. Karoline Mehalchick  
United States Magistrate Judge